

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

ACKLEY, JR. et al.

Atty. Ref.: 4389-5

Serial No. New Application

Group: Unassigned

Filed: November 13, 2003

Examiner: Unassigned

For: LASER UNIT, INSPECTION UNIT, METHOD FOR INSPECTING  
AND ACCEPTING/REMOVING SPECIFIED PELLET-SHAPED ARTICLES  
FROM A CONVEYER MECHANISM, AND PHARMACEUTICAL  
ARTICLE

\* \* \* \* \*

November 13, 2003

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

1. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested

to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

2. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a

counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- c. ☐ Attached is our check in the amount of \$\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☐ Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

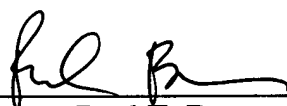
8. ☐ The publication date of at least one of the listed documents does not provide a month of publication. However, the year of publication of each listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Each publication date is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4389-5.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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## INFORMATION DISCLOSURE CITATION

ATTY. DOCKET NO.

SERIAL NO.

4389-5

## New Application

APPLICANT

ACKLEY, JR. et al.

(Use several sheets if necessary)

FILING DATE

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Unassigned

## U.S. PATENT DOCUMENTS

*EXAMINER						FILING DATE	
INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	IF APPROPRIATE	
	5,085,510	02/1992	MITCHELL				
	5,894,801	04/1999	ACKLEY				
	5,376,771	12/1994	ROY				
	5,433,146	07/1995	ACKLEY				
	5,768,996	06/1998	ACKLEY				
	5,836,243	11/1998	ACKLEY				
	4,528,904	07/1985	ACKLEY				
	5,655,453	08/1997	ACKLEY				
	5,630,499	05/1997	LOUDEN et al.				
	6,286,421	09/2001	ACKLEY				
	6,314,876	11/2001	ACKLEY				
	5,695,043	12/1997	MAEZURU et al.				
	4,946,046	08/1990	AFFLECK et al.				
	4,648,053	03/1987	FRIDGE				
	3,884,143	05/1975	ACKLEY				
	4,082,188	04/1978	GRIMMELL et al.				
	4,619,196	10/1986	MATSUOKA				

## FOREIGN PATENT DOCUMENTS

[illegible]

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent pages, etc.)

[illegible]

**\*Examiner**

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

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